

- Yaa-Zaa-Ser/Thr-Hyd; and a method of treatment using PKB;
- Group II      Claims 14-19, drawn to a method of identifying agents able to influence the activity of GSK3 and to a method of identifying agents which influence the activity of PKB (claim 15);
- Group III     Claim 26, drawn to an agent capable of influencing the activity of PKB;
- Group IV      Claims 27-30 and 34, drawn to a method of determining the ability of a substance to affect the activity or activation of PKB, or the ability of a substance to combat diabetes, cancer, etc. using PKB; and a method of screening for inhibitors or activators of enzymes that catalyze the phosphorylation of PKB; and
- Group V       Claims 31-33, drawn to a method of identifying activators or inhibitors of GSK3; and a method of determining the suitability of a test substance for use in combatting diabetes, cancer, etc. using GSK3.

In addition, if the invention of Group II is elected, the Examiner further requires the election of a single species selected from assays for GSK3 and assays for PKB.

In response to the restriction requirement, applicants hereby elect Group II, claims 14-19, for prosecution at this time, with traverse, with the further election of the species of assays for PKB. According to MPEP §1850, unity of invention during the national stage exists "when there is a technical relationship among the claimed inventions involving one or more technical features". "Special technical features" is defined as meaning "those technical features that define a contribution which each of the inventions considered as a whole, makes over the prior art".

The "special technical feature" is that PKB inactivates GSK3, and therefore GSK3's regulation of glycogen and protein

synthesis can be influenced by PKB and PKB activators and inhibitors. All of the claims in the subject application stem from this special technical feature, whether it be the use of PKB to regulate glycogen metabolism and/or protein synthesis, the identification of agents to influence the activity of PKB or GSK3, methods of identifying activators or inhibitors of PKB or GSK3, etc. The "technical relationship among the claimed inventions" involves this common technical feature, and therefore applicants maintain that unity of invention is present and respectfully request that the Examiner reconsider and withdraw the restriction requirement.

As to the inventions of Groups II and IV, applicants maintain that the special technical feature is the method of identifying (or determining) agents (or substances) able to influence the activity of GSK3 or PKB (the language of claims in Group II is indicated and then the language of claims of Group IV is indicated in parenthesis). There is clearly a technical relationship among the inventions of Groups II and IV involving the same special technical feature.

Please direct any questions concerning this response to applicants' undersigned attorney at the number provided.

Respectfully submitted,

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Date

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2/3/03 Date	Karla M. Weyand Karla M. Weyand